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## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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September 3, 2010

Update No. 83  
09-10

**TO:** Persons Holding Copies of the San Diego County Zoning Ordinance  
**FROM:** Department of Planning and Land Use  
**RE:** AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10067 (N.S.), effective 09-03-10 and by adoption of Ordinance No. 10068 (N.S.), effective, 09-03-10. The Ordinance amendment pursuant to Ord. No. 10067 amends existing Winery provisions and introduces new Winery Packing and Processing Use Types. The Ordinance amendment pursuant to Ord. No. 10068 amends existing Density Bonus definitions and provisions, establishes a new Density Bonus Program and establishes new Density Bonus Permit Procedures. These amendment pages are known as POD 08-012 and POD 08-002 respectively, adopted by the Board of Supervisors on August 4, 2010.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Def. A - Def. B (1 page)	Def. A - Def. B (1 pages)	Add the term "Base Units" to the Definitions
Def. C - Def. F (4 pages)	Def. C - Def. F (5 pages)	Add the following terms to the Definitions: Child Care Facility; County Affordable Senior Housing Program; Density Bonus; Density Bonus Housing Agreement; Density Bonus Permit; Density Bonus Unit; Density, Maximum Allowable Residential; Development Standard; and Financial Pro Forma
Def. H - Def. M (5 pages)	Def. H - Def. M (5 pages)	Add or modify the following terms in the Definitions: Household, Low or Lower Income; Household, Moderate Income; Household, Very Low Income; Housing Development; Incentive; Low-Income Family; Low-Income Household; Lower-Income Family; Lower-Income Household; Market Rate Unit; Maximum Allowable Residential Density; Moderate-Income Family and Moderate-Income Household.

<b>REMOVE</b>	<b>ADD</b>	<b>SECTION CHANGES/DESCRIPTION</b>
Def. R - Def. S (2 pages)	Def. R - Def. S (2 pages)	Repeal the term Reserved Dwelling Unit. Add the terms Reserved Unit, Senior Citizen and Senior Citizen Housing Development to the Definitions
Def. T - Def. W (2 pages)	Def. T - Def. W (2 pages)	Add the terms Unit, Base; Unit, Density Bonus; Unit, Market Rate; and Unit, Reserved and modify the terms Very Low-Income Family and Very Low-Income Household in the Definitions
1200 -1205 (2 pages)	1200 -1205 (2 pages)	Amend subsection e. of the "Listing of Use Classifications" to add Small Winery and Wholesale Limited Winery
1700 -1735 (2 pages)	1700 -1735 (2 pages)	Amend Agricultural Use Types, Packing and Processing, to amend Boutique Winery and to add Small Winery and Wholesale Limited Winery
2700 -2725 (3 pages)	2700 -2725 (3 pages)	Amend A70 & A72 "Permitted Uses" and "Uses Subject to Limitations"
4115 - 4125 (5 pages)	4115 - 4125 (2 pages)	Amend Density Regulations
6252.u (1 page)	6252.u (1 page)	Amend Exempt On-Premise Sign Regulations
6340 (1 page)	6340 - 6375 (6 pages)	Add new Density Bonus Program
6514 - 6538 (5 pages)	6514 - 6538 (5 pages)	Amend Mobile Home Park Regulations
6910 - 6920 (3 pages)	6910 - 6920 (4 pages)	Wholesale Limited, Boutique and Small Wineries and pagination changes
7019 (1 page)	7019 (1 page)	Amend Permits and Approvals to be Recorded to add Density Bonus Permits
7358 - 7366 (h) (5 pages)	7358 - 7366 (h) (3 pages)	Amend Use Permit Provisions and pagination changes
N/A	7400 -7445 (3 pages)	New Density Bonus Permit Procedure section

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 83 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding these updates, please contact Matt Schneider at (858) 694-3714 [Winery Ordinance] or Dixie Switzer at (858) 694-3041 [Density Bonus Ordinance].

  
 RICH HAAS  
 Assistant Director

**Apartment Hotel:** A building or portion thereof designed for or containing both individual guest rooms or suite of rooms and dwelling units.

**Approach-Departure Path:** The flight track of a helicopter as it approaches or departs from the helicopter facility's designated take-off and landing area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

**Aquaculture:** A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

**Attached:** (See Building Type; Nonresidential)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Attached, Three to Eight Dwelling Units:** (See Building Type, Residential)

**Attic Story:** Any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage, or habitation. An attic story shall be counted as a story.

**Automobile Wrecking:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of 5 or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

## DEFINITIONS (B)

**Barn:** A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

**Base Units:** The number of dwelling units proposed for a housing development, exclusive of the density bonus units. The number of base units cannot exceed the maximum allowable residential density.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

Def. B

**Bed and Breakfast Home:** A single-family dwelling in which more than two bedrooms are made available for rent on a less than weekly basis to provide lodging, including overnight sleeping accommodations and breakfast.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)  
(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)  
(Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)

**Bedroom:** Attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than 7 feet in any dimension with a closet opening on it or within it.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

**Bicycle Space:** An area that is permanently reserved and maintained for parking one bicycle either in an open rack or an enclosed structure or locker.

(Added by Ord. No. 5976 (N.S.) adopted 1-28-81)  
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

**Bird:** An avian species other than poultry.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

**Block:** All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

**Bluff:** A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, filling or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section.

(Amended by Ord. No. 5329 (N.S.) adopted 12-13-78)

## DEFINITIONS (C)

**Cabana:** A portable, demountable, or permanent room enclosure or other building erected or constructed for the use of the occupant of the mobilehome for human occupancy.

**Cabaret:** (See Adult Cabaret)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Cable Television (CATV) System:** Any facility which, in whole or in part, receives directly or indirectly from the air and amplifies or otherwise modifies electronic or microwave signals transmitting programs broadcast by one or more television stations and/or originates or purchases programs or electronic or microwave signals and distributes such signals or any of them by wire or cable to subscribing members of the public who pay for such service.

**California Coastal Zone:** That portion of the Coastal Zone described in Section 30103 of the California Coastal Act of 1976 (Public Resources Code Section 20000 et seq.) which is within the unincorporated territory of the County of San Diego.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

**Caretaker:** A person who takes care of a parcel or building.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Cargo Container:** Any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight a Cargo Container is a structure.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)

**Carnival or circus:** A use meeting the definition of these terms as set forth in Section 21.2401(a) of the San Diego County Code.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

**Carport:** A type of garage which is a roofed structure, or a portion of a building, open on 2 or more sides primarily for the parking of automobiles belonging to the occupants of the property.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

**Cat:** A feline that has reached the age of 4 months.

**Categorical Exemption:** Certain classes of projects found by the Secretary for Resources of the State of California not to have substantial adverse effects on the environment, and thus are exempt from the EIR requirement.

**Cellar:** That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in these regulations) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Def. C

**Cemetery:** Land used or intended to be used for the burial of one or more dead human bodies or cremated remains thereof, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)

**Certified Farmers' Market:** A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock, for which a Certified Farmers' Market Certificate has been issued by the County Agricultural Commissioner pursuant to California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

**Certified Recycling Facility:** A recycling facility which has been certified by the California Department of Conservation as meeting the requirements of the California Beverage Container and Litter Reduction Act of 1986.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Chimney:** A hollow shaft containing one or more passages vertical or nearly so, for conveying products of combustion.

**Child Care Center:** A state-licensed facility of any capacity other than a family day care home for children in which less than 24 hour per day nonmedical care and supervision is provided for children in a group setting.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

**Child Care Facility:** A child day care facility other than a family day care home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Civic Plaza:** Property owned by a public or non-profit civic organization for purposes of accommodating the public in the conduct of outdoor events of general community interest including, but not limited to, assemblages of persons for: hobby shows; club meetings; the display and/or sale of art and craft objects; farmer's market, home-grown agricultural products only; and, passive recreational uses.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**Clinic:** Any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other work or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

Closet: Small room or recess primarily designed to store wearing apparel.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

College: A college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.

Columbarium: A structure, room, or other space in a building or a sepulchral vault containing niches or recesses in the walls for the inurnment of cremated human remains.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

Commercial Agriculture: Shall mean a routine and ongoing enterprise associated with a farm, grove, dairy, or other agricultural business, and shall include:

1. The cultivation and tillage of soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture;
2. The raising of livestock, bees, fur bearing animals, fish or poultry, and dairying for sale;
3. Any practices performed by a farmer on a farm as incident to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and
4. Ordinary pasture maintenance and renovation and dry land farming operations consistent with rangeland management and soil disturbance activities.

All such activities must be consistent with the economics of commercial agricultural operations and other similar agricultural activities. Commercial Agriculture does not include crops or agriculture for personal consumption.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Commercial Vehicle: A vehicle primarily designed, maintained or used to transport, for compensation, one or more persons or property of any kind. A vehicle primarily designed to transport one or more persons or property for compensation, whether or not it is being used or has been used for that purpose, is a commercial vehicle. A commercial vehicle includes, but is not limited to, a truck, truck tractor, trailer, semi-trailer and bus.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Commercial Zone: A zone including a use regulation set forth in Sections 2300 through 2499, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Common Area: That area which will be maintained by a homeowners association, County service area, or other form of cooperative organization. For purposes of these regulations, "common area" does not include open space which cannot legally be disturbed.

## Def. C

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

**Concrete Batch Plant:** Mixing plants for Portland cement concrete, transit concrete mixing plants, sand, gravel and cement mixing plants and soil cement mixing plants.

**Concurrent Use Permit:** (See Use Permit, Concurrent)

**Construction:** The placement of construction materials in their permanent position fastened in a permanent manner.

**Convenience Zone:** An area within a one-half mile radius of a supermarket. A "supermarket" for purposes of this ordinance is defined as a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Corner Cut-Off Area:** An area provided and maintained for adequate and safe visibility for vehicular and pedestrian traffic at intersections of streets, alleys, or private driveways.

**County Affordable Senior Housing Program:** The County's program to encourage the provision of senior rental housing that is affordable. See Section 6360 a.2.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**County Park:** Any park, community center, museum, beach park, or recreation facility, owned by, leased by, or under the control of the County.

(Added by Ord. No. 6615 (N.S.) adopted 6-22-83)

## DEFINITIONS (D)

**Density:** The number of dwelling units per acre.

**Density Bonus:** A density increase over the otherwise maximum allowable residential density under the Zoning Ordinance and land use element of the general plan as of the date of a complete application to the County.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Density Bonus Housing Agreement:** A legally binding agreement between a developer and the County to ensure that the requirements of the density bonus application and the Zoning Ordinance are satisfied.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)



**Density Bonus Permit:** A permit issued by the County based upon an applicant's compliance with the requirements of the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Density Bonus Unit:** As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, density bonus unit is a residential unit that exceeds the number of units allowed under the otherwise maximum allowable residential density for the development site.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Density, Maximum Allowable Residential:** (See Maximum Allowable Residential Density)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Development Standard:** As applied to the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, development standard includes a site or construction condition including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Designated Historic Landmark:** (See Historic Landmark)

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)  
(Deleted by Ord. No. 7101 (N.S.) adopted 3-12-86)

**Designator:** The numbers or letters or combination of both which prescribe the regulations for the Use Regulations, Animal Regulations, Development Regulations, and Special Area Regulations. It appears on the zoning map and refers to names of Use Regulations, types of Animal Regulations, types of Development Regulations, or names of Special Area Regulations.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

**Detached:** (See Building Type, Nonresidential)

**Development Regulations:** That element of the zone which is represented by 9 designators corresponding to 9 aspects of physical development. These 9 aspects are: density, lot size, building type, maximum floor area, floor area ratio, height, coverage, setback, and useable open space. The Development Regulations regulate these subjects, by using the designators, in terms of certain minimum or maximum standards or of permitted buildings types.

Def. D

Dog: A canine that has reached the age of 4 months.

Double Detached: (See Building Types, Residential)

Drive-In: (See Enclosure)

Drive-In Theater: (See Adult Drive-In Theater)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Drug Paraphernalia: The equipment, products and materials set forth in subdivision (d) of Section 11364.5 of the California Health and Safety Code.

(Added by Ord. No. 7649 (N.S.) adopted 07-17-89)

Duplex: (See Building Type Residential)

Dwelling: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen.

Dwelling, Multi: (See Building Type, Residential)

## DEFINITIONS (E)

**Easement:** A recorded right or interest in the land of another, which entitled the holder thereof to some use, privilege or benefit out of or over said land.

**Enclosed:** (See Enclosure)

**Enclosure:** The degree that the storage and display of goods may be open and/or visible from public rights-of-way. The following are enclosure types:

1. **Drive-In:** Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.
2. **Enclosed:** A roofed structure contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

Def. E

3. Open: Unroofed or not contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.
4. Semi-Enclosed: Contained on at least 50 percent of its perimeter by walls which are pierced only by windows, vents, or customary entrances and exits. The open sides of partially open structures shall not be visible from any public right-of-way.

Environmental Assessment: A formal evaluation process to determine whether a proposed project will have a significant impact on the environment.

EIR - Environmental Impact Report: A report by the appropriate San Diego County granting authority which analyzes the environmental effects of a proposed project pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83.)

Essential Public Facility or Project: Any structure or improvement necessary for the provision of public services, which must be located in the particular location to service its purpose and for which no less environmentally damaging location, alignment, or non-structural alternative exists.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Exterior Wall: (See Wall, Exterior)

DEFINITIONS (F)

Factory-Built Housing: A unit defined as "factory-built housing" by Section 19971 of the Health and Safety Code which has the approval of the Department of Housing and Community Development of the State of California.

Family: An individual, or 2 or more persons (related or unrelated) living together as a single housekeeping unit in a dwelling unit.

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

Family Care Home: A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children and providing such care and service on a 24-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such manner that facilities, activities, or events thereon are shared by more than 6 elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children.

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

Family Care Institution: A state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.

Family Day Care Home for Children, Large: A state-licensed family day care home serving nine to fourteen children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Family Day Care Home For Children, Small: A state-licensed family day care home serving eight or fewer children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 7743 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Farm Employee: A person who derives more than half of their total livelihood in the service of another person as an employee engaged in active commercial agriculture. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farm Employee Housing: A living unit or units for farm employees and their families consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. This is an accessory use to active Commercial Agriculture, subject to Section 6156.u. Farm Employee Housing is not subject to Density Regulations.

(Added by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farm Labor Camp: A living unit or units used for housing by 13 or more Farm Employees and their families or with 37 or more beds in a group quarters. This is an agricultural use, as a part of active commercial agriculture, subject to Section 1750 and Section 6906. A Farm Labor Camp is not subject to Density Regulations.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farmers' Market, Certified: (See Certified Farmers' Market)

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

Fence, Non-View-Obscuring: (See Fence, Open)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, Open: A fence (and the gates in such fence) which permits direct vision through at least 80 percent of any one square foot segment of fence surface.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Def. F

**Fence, Solid:** A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen. Openings in such fence (and its gates when closed) shall not exceed 2 percent of any one square foot segment of the fence's surface which is more than 8 inches above the ground.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

**Fence, View-Obscuring:** A fence (and the gates in such fence) whose surface is covered by solid or opaque material through which no visual images may be seen. Openings in such a fence (and its gates when closed) shall not exceed 20 percent of any one square foot segment more than 8 inches above the ground, nor shall any opening exceed one-half inch in width. Woven wire or chain link fences containing slats are not view- obscuring fences.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

**Fill:** Any material or substance which is deposited, pushed, dumped, pulled or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

**Financial Pro Forma:** As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, a financial statement which clearly demonstrates that a requested incentive results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in a proposed housing development.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land area lying outside normal stream channel as a result of one or more of the following occurrences or conditions - the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood, 10-Year:** A flood estimated to occur at an average of once in 10 years (10 percent frequency of occurrence) which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document NO. 427201.

**Flood, 100-year:** A flood estimated to occur at an average of once in 100 years (one percent frequency of occurrence), determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document No. 427201.

**Historic/Archaeological Landmark:** For the purpose of this ordinance the term "Historic/Archaeological Landmark" shall mean a single site, including the associated buildings, structures and plant life, which is considered to have historic and/or prehistoric significance due to its association with past events of historical, cultural, architectural and/or archaeological value and which has been recognized by the Board of Supervisors by the application of a special area designator pursuant to Section 5703 of this ordinance.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)  
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)  
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

**Home Occupation:** An occupation customarily conducted as an accessory use to a residential use entirely within a building containing a residential use or an attached garage.

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

**Horse:** A horse is an equine that has reached the age of 8 months.

**Horsekeeping:** The keeping of horses in an accessory building or on premises where the horses are owned by the occupants of the premises, and where no horses are kept for hire. In residential use regulations only incidental sale of personal horses is permitted; no sale of horses as a business is allowed.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

**Hospital:** An institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates 24-hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

**Host Home:** A single-family dwelling in which no more than two bedrooms are made available for rent on a less than weekly basis to provide lodging, including overnight sleeping accommodations and breakfast.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)  
(Deleted by Ord. No. 7363 (N.S.) adopted 8-19-87) (See Bed and Breakfast Home)  
(Added by Ord. No. 7515 (N.S.) adopted 7-13-88)

**Household, Low or Lower Income:** A household whose income does not exceed the lower income limits applicable to San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. H

**Household, Moderate Income:** A household whose income does not exceed the moderate income limits applicable to the San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Household, Very Low Income:** A household whose income does not exceed the very low income limits applicable to San Diego County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Housing Assistance Plan:** The Housing Assistance Plan adopted by the Board of Supervisors as part of the application for community development block grants from the federal government.

**Housing Development:** As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, housing development shall mean a development project for five or more residential units and be as further defined in Section 65915(i) of the California Government Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)



## DEFINITIONS (I)

**Incentive:** As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, incentive shall mean such regulatory incentive or concession as defined in California Government Code Subsection 65915(k).

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Incidental Landing Area:** An area of land, water or structure which is not designated as a heliport, helipad or helistop and is required for the landing of helicopters for emergencies, public service or maintenance activities and is not a permanent landing or storage area for a helicopter.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

**Industrial Zone:** A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

## DEFINITIONS (J)

**Junk:** Means secondhand or used machinery, equipment, appliances, furniture, motor vehicle parts, tires, lumber, rope, bottles, pipe, wire, drums, scrap metal, construction material, packaging material, including items made of or containing wood, metal, paper, plastic, clay, brick, glass, porcelain, rubber, concrete, or other personal property.

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Junkyard:** Any parcel, lot, contiguous lots or portions thereof used for dismantling, salvage, outside storage, purchase, sale, or exchange of junk, or containing any activity in the Scrap Operations use type. It is not an exception to this definition that a person intends or proposes to use the junk for some purpose.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

## DEFINITIONS (K)

**Kennel:** Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**Kitchen:** Any room used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and either a 3/4 inch gas opening or provision for an electric stove.

Def. L

## DEFINITIONS (L)

**Legitimate or Live Theater:** A theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Limited:** (See Building Type, Mixed Residential-Nonresidential)

**Livestock:** An animal raised for food or other products. Typical examples include cattle, poultry and pigs. Animals raised for pleasure, exhibition or racing shall not be considered livestock.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Living Area:** The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages; appurtenant structures accessible only from the outside; attics, basements, and enclosed patios not designed, intended, and constructed for human habitation; and any room or area primarily devoted to any accessory or secondary use.

(Added by Ord. No. 8409 (N.S.) adopted 6-1-94)

**Living Unit:** Any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp, transient habitation unit, or mobilehome.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Loading Space:** An area, other than a street or alley, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Lot:** Any of the following:

1. A parcel of real property shown as a delineated parcel of land with a number or other designation on a final map of subdivision recorded in the office of the County Recorder of San Diego County; or
2. A parcel of land, the dimensions or boundaries of which are defined by a Record of Survey Map recorded in the office of the County Recorder of San Diego County in accordance with the law regulating the subdivision of land; or
3. A parcel of real property not delineated `s in (1) or (2) above, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one street and is held under one ownership.

**Lot Area:** The total area exclusive of street within the boundary lines of a lot.

**Lot Area, Gross:** The total area of a legally created parcel including:

1. All private streets and other easements (such as open space easements) where the underlying property is held in fee title.
2. The area to the centerline of any abutting Non-Circulation Element Route public street right-of-way, and
3. Only the 30 foot local interest portion of any abutting Circulation Element Route street right-of-way shall be included.
4. The area within any trail easement dedicated pursuant to the County Trails Program.

(Added by Ord. No. 6855 adopted on 10-10-84)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Lot Area, Net:** The gross area of a parcel minus:

1. The area of any street right-of-way,
2. Any fenced flood control or walkway easement. The area within any trail easement dedicated pursuant to the County Trails Program shall not be subtracted from the gross area of a parcel to calculate the Net Lot Area.
3. Irrevocable offers of dedication when the property is within an urban classification of the General Plan; and
4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.

(Added by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Lot, Corner:** A lot situated at the angle point of a street or the intersection of 2 or more streets, which has an angle of intersection of not more than 135 degrees. Such a lot shall comply with the required setbacks for both front and exterior side yards.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

**Lot Coverage:** The percentage of net site area covered by the vertical projection of any structure excluding any structure not extending above grade.

**Lot, Interior:** A lot other than a corner lot.

**Lot Depth:** The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Def. L

**Lot Line, Front:** The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

**Lot Line, Rear:** The record lot line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or goreshaped lot, it shall mean a straight line 10 feet in length which (a) is parallel to the front line or its chord and (b) intersects the 2 other lot lines at points most distant from the front lot line.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line.

**Lot, Mobilehome:** (See Mobilehome Lot)

**Lot, Panhandle:** A panhandle lot is a lot where a portion of the lot is less than 35 feet wide for a distance of 50 feet or more and which is designed or used to provide pedestrian or vehicular access to the part of the lot which is designed for use as a building site.

(Amended by Ord. No. 6855 adopted 10-10-84)

**Lot Size:** (See Lot Area)

(Amended by Ord. No. 6855 adopted on 10-10-84)

**Lot, Through:** A lot fronting on 2 parallel or approximately parallel streets.

**Lot Width:** The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

**Low-Income Family:** (See Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Low-Income Household:** (See Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Lower-Income Family:** (See Lower-Income Household; Household, Low or Lower Income)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Lower-Income Household:** A household which cannot obtain decent, safe, and sanitary housing without assistance, as determined pursuant to standards established by the Board of Supervisors. (Also see Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

## DEFINITIONS (M)

**Main Building:** A building or structure which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Major Use Permit:** (See Use Permit, Major)

**Manufactured Home:** (See Mobilehome)

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

**Manufacturing Zone:** A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Market Rate Unit:** A dwelling unit that is not a reserved unit.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Marijuana Dispensary - Non-Medical (Not Authorized Under State Law):** Any store, office, business, building, property or other facility in or from which marijuana is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated, possessed, or transported by any person other than a person authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient, pursuant to the provisions of the Compassionate Use Act of 1996 (Health and Safety Code Sections 11362.5 and following) and the Medical Marijuana Program Act (Health and Safety Code Sections 11362.7-11362.83). Persons authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient include persons, who under state law, are: (i) qualified patients, (ii) primary caregivers of qualified patients, or (iii) such patients and caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)

**Massage Parlor:** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

Def. M

**Master Antenna Television (MATV) System:** A facility as described in Cable Television (CATV) System, but differentiated from the definition of a (CATV) System by virtue of (a) serving fewer than 50 subscribers, or (b) serving only the residents of an apartment dwelling under common ownership and consisting of not more than two buildings, or (c) providing service without charge.

**Materials Recovery Facility:** A facility that accepts source-separated or commingled recyclable materials, usually in an enclosed building, from collection facilities and the public; processes the materials into resalable condition, and markets the materials to companies for reuse. The end-products are materials recovered through the process. A materials recovery facility is considered to be a General Industrial use type and as such is permitted in the same locations and under the same conditions as other general industrial uses.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Maximum Allowable Residential Density:** The density calculated under Section 4115 of the Zoning Ordinance. If the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Meteorological Testing (MET) Facility:** A tower with or without guy wires and any other equipment with a component, such as an anemometer or SODAR device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

**Mezzanine or Mezzanine Floor:** An intermediate floor placed in any story or room. When the total area of any such Mezzanine Floor exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a Mezzanine Floor construction shall be not less than 7 feet. An enclosed Mezzanine shall be counted as a story.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

**Mini-Mobilehome Park:** A mobilehome park subject to the regulations of Sections 6530 through 6544, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

**Minor Use Permit:** (See Use Permit, Minor)

**Mobilehome:** A structure designed and equipped to contain not more than two dwelling units to be used with or without a permanent foundation, and which is in excess of 8 feet in width or in excess of 40 feet in length. Mobilehome, as used herein, is further defined in Section 18211 of the Health and Safety Code and includes Manufactured Home as defined in Section 18007 of the Health and Safety Code.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

**Mobilehome Lot:** An area or tract of land or portion of a mobilehome park or mobilehome subdivision designated or used for the occupancy of one mobilehome.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

**Mobilehome On a Private Lot:** A mobilehome which has been placed on a permanent foundation system pursuant to the Mobilehome on Private Lot Regulations.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

**Mobilehome Park:** An area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes for human habitation; provided that mobilehome park does not include:

- a. premises on which any trailer coaches are parked for inspection and sale;
- b. premises on which there is one trailer coach occupied by the owner thereof pursuant to a valid temporary occupancy permit issued by the Department of Environmental Health; or
- c. premises on which all trailer coaches are used exclusively either to provide farm employee housing or as a farm labor camp.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**Mobilehome Park, Standard:** A mobilehome park subject to the regulations of Section 6510 through 6524, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Def. M

**Mobilehome Subdivision:** Any area or tract of land where two or more lots are created in accordance with applicable provisions of Division 1, Title 8 of the County Code of Regulatory Ordinances for the exclusive use of mobilehomes and their accessory uses.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

**Mobile Recycling Unit:** A motor vehicle or trailer, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, used for the collection of recyclable materials.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Model Home:** A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one-family, two-family or multiple dwellings, or a combination thereof. "Model Home" shall include examples of factory-built housing which may not necessarily be available in or related to a particular development.

**Moderate-Income Family:** (See Household, Moderate Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Moderate-Income Household:** (See Household, Moderate Income)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Motion Picture Theater:** (See General Motion Picture Theater)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Multiple-Residential Zone:** A residential zone in which 3 or more units are allowed on a legal parcel.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)



**Reserved Unit:** A dwelling unit that will be reserved for sale or rent to, and affordable to, very low, low, or moderate income households or reserved for sale or rent to qualifying senior citizen residents.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Residential Zone:** A zone including a use regulation set forth in Sections 2100 through 2299, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Rest Home:** Any place or institution which makes provision for bed care or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves; but in which no persons suffering from contagious or communicable disease are kept and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed. Rest homes shall include all places defined in Title 17 of the California Administrative Code and licensed as nursing or convalescent homes.

**Reverse Vending Machine:** An automated mechanical device which occupies less than 50 square feet; accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans, glass and plastic bottles; and issues a cash refund or redeemable credit slip with a value not less than the container's redemption value, as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Right-of-Way:** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**Riparian Habitat:** An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Def. S

## DEFINITIONS (S)

**Schedule:** A list or table of standards pertinent to certain aspects regulated by the Animal Regulations or the Development Regulations. A particular standard or combination of standards prescribed by a schedule is referenced by a designator in the Animal Regulations or the Development Regulations.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

**School:** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)  
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

**Secondhand Merchandise/Goods:** Used common household items including clothing, personal effects, households furnishings, appliances, and office equipment and furnishings.

**Secondary Use:** A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the principal use(s) on the same lot or parcel. A secondary use may, but need not be an accessory use to the principal use(s).

**Semi-Detached:** (See Building Type, Residential)

**Semi-Open:** (See Enclosure)

**Senior Citizen:** A person 62 years of age or older or 55 years of age or older in a senior citizen housing development as defined in California Civil Code Section 51.3.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Senior Citizen Housing Development:** A residential development that is reserved for senior citizens and consists of at least 35 dwelling units as defined in California Civil Code Section 51.3.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Sensitive Habitat Lands:** Land which supports unique vegetation communities, or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.) (Unique Vegetation Community refers to associations of plant species which are rare or substantially depleted due to development. These may contain rare or endangered species, but other species may be included because they are unusual or limited due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; (c) they are outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations.) Sensitive Habitat Lands includes the area which is necessary to support a viable population of any of the above species in perpetuity, of which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

**Setback:** A required, specified distance between a building or structure and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

**Setback, Front Yard:** The setback applicable in the front yard of a building or structure. When a parcel or lot abuts a public road, the front setback shall be measured from the centerline of the public road.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

**Setback, Rear Yard:** The setback applicable in the rear yard of a building or structure.

**Setback, Side Yard:** The setback applicable in the side yard of a building or structure.

**Sexual Encounter Establishment:** An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Sexual Activities:** (See Specified Sexual Activities)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Def. S

Shaft: A vertical opening through a building for elevators, dumbwaiters, mechanical equipment or similar purposes.

Shrub: A woody perennial plant generally with multiple basal stems.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Sidewalk Cafe: An area adjacent to and directly in front of a street level eating or drinking establishment located within the sidewalk area of the public right-of-way used exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes or a combination thereof.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

Sign: Any structure, device, material or substance placed, attached or applied in any manner on or above a building, structure or site so as to be visible at or beyond the property boundaries and which displays by shape, color, light or symbol any attention arrestor device, model, banner, numeral, letter, word, trademark, logo, emblem or other representation used as or in the nature of an advertisement or solicitation of a business, profession, service, person, group, organization, firm, enterprise, industry, product, commodity, merchandise place or event.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

Sign, Abandoned: A sign which remains in place after expiration of the permit authorizing it or after the date, event or purpose for which it was installed has passed or terminated.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

## DEFINITIONS (T)

**Take-off and Landing Area:** That area of any helicopter facility where the helicopter actually lands and takes off, and includes the touch down area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

**Trailer Coach:** Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, mobilehome and travel trailer.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

**Transient Habitation Unit:** Living quarters intended exclusively for occupation by transient persons. A transient habitation unit may include a hotel or motel room or suite of rooms, a cabin or a campground space.

**Transitional Housing:** Shall have the meaning prescribed in Health and Safety Code 50675.2(h). The design of the structures determines Family Residential or Group Residential Use Type.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

**Tree:** A perennial woody plant with one or more well defined stems or trunks which, at maturity, is largely kept clear of leaves and branches at least 5 feet above grade.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

**Triplex:** (See Building Type; Residential Triplex)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Def. U

## DEFINITIONS (U)

**Ultralight Vehicle:** A powered or unpowered vehicle that is defined and described in Federal Aviation Regulations (FAR), Part 103, promulgated by the United States Government, Department of Transportation (DOT), Federal Aviation Administration (FAA), as that regulation is presently written or as it may be amended.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)

**Unit, Base:** (See Base Units)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Density Bonus:** (See Density Bonus Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Market Rate:** (See Market Rate Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unit, Reserved:** (See Reserved Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Unlimited:** (See Building Type, Mixed Residential-Nonresidential)

**Usable Open Space:** One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

**Usable Open Space, Group:** Usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails. Group usable open space does not include off-street parking and loading areas or driveways.

**Usable Open Space, Private:** Usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies.

**Use:** The purpose for which land or a building is occupied, arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

**Use, Accessory:** (See Accessory Use)

**Use Classification:** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.

**Use Permit:** A permit which may be granted by the appropriate San Diego County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

**Use Permit, Concurrent:** Use permits filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land under the original jurisdiction of the Planning Commission.

**Use Permit, Major:** Use permit under the original jurisdiction of the Planning Commission.

(Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

**Use Permit, Minor:** Use permit normally under the original jurisdiction of the Director.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

**Use, Principal:** (See Principal Use)

**Use Type:** (See Use Classification)

**Use Regulations:** That element of the zone which indicates, by means of a designator combining a letter and a number, the use types which are permitted in that zone.

## DEFINITIONS (V)

**Variance:** A departure from the specific requirements of the Zoning Ordinance which may be granted by the appropriate San Diego County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this ordinance.

**Vermiculture or vermicomposting:** A form of animal husbandry involving the raising of worms of the taxonomic phylum Annelida (segmented worms) and/or the use of said worms to convert organic matter into compost.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Very Low-Income Family:** (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**Very Low-Income Household:** (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. W

## DEFINITIONS (W)

Wall, Exterior: Any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wall, Solid: (See Fence, Solid)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Wall, View-Obscuring: (See Fence, View-Obscuring)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Wetland: All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes;
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Wetland Buffer: Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Windmill: A device which converts the kinetic energy of the wind into a useable form of mechanical energy.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)



## USE CLASSIFICATIONS

### GENERAL CLASSIFICATION RULES

#### 1200 GENERAL INTENT OF THE USE CLASSIFICATIONS.

The provisions of Section 1200 through Section 1899, inclusive, shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Zoning Ordinance.

#### 1205 LISTING OF USE CLASSIFICATIONS.

All uses are hereby classified into the following use types, which are described in Section 1250 through Section 1899, inclusive. See Section 1215 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout the Zoning Ordinance.

##### a. Residential Use Types.

Family Residential  
Group Residential  
Mobilehome Residential

##### b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Emergency Shelters  
Essential Services  
Fire Protection Services  
Group Care  
Law Enforcement Services  
Major Impact Services and Utilities  
Minor Impact Utilities  
Parking Services  
Postal Services  
Small Schools  
Wind Turbine System, Medium

## c. Commercial Use Types.

Administrative and Professional Services  
 Adult Entertainment Establishments  
 Agricultural and Horticultural Sales: Agricultural  
 Agricultural and Horticultural Sales: Horticultural  
 Agricultural Services  
 Animal Sales and Services: Auctioning  
 Animal Sales and Services: Grooming  
 Animal Sales and Services: Horse Stables  
 Animal Sales and Services: Kennels  
 Animal Sales and Services: Stockyards  
 Animal Sales and Services: Veterinary (Large Animals)  
 Animal Sales and Services: Veterinary (Small Animals)  
 Automotive and Equipment: Cleaning  
 Automotive and Equipment: Fleet Storage  
 Automotive and Equipment: Parking  
 Automotive and Equipment: Repairs, Heavy Equipment  
 Automotive and Equipment: Repairs, Light Equipment  
 Automotive and Equipment: Sales/Rentals, Farm Equipment  
 Automotive and Equipment: Sales/Rentals, Heavy Equipment  
 Automotive and Equipment: Sales/Rentals, Light Equipment  
 Automotive and Equipment: Storage, Nonoperating Vehicles  
 Automotive and Equipment: Storage, Recreational Vehicles and Boats  
 Building Maintenance Services  
 Business Equipment Sales and Services  
 Business Support Services  
 Communications Services  
 Construction Sales and Services  
 Convenience Sales and Personal Services  
 Cottage Industries  
 Drug Paraphernalia Establishment  
 Eating and Drinking Establishments  
 Explosive Storage  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Funeral and Interment Services: Cremating  
 Funeral and Interment Services: Interring  
 Funeral and Interment Services: Undertaking  
 Gasoline Sales  
 Laundry Services  
 Medical Services  
 Participant Sports and Recreation: Indoor  
 Participant Sports and Recreation: Outdoor  
 Personal Services, General  
 Recycling Collection Facility: Small  
 Recycling Collection Facility: Large  
 Recycling Processing Facility: Light  
 Recycling Processing Facility: Heavy  
 Recycling Processing Facility: Wood and Green Materials  
 Repair Services, Consumer

Research Services  
 Retail Sales: General  
 Retail Sales: Specialty  
 Scrap Operations  
 Spectator Sports and Entertainment: Limited  
 Spectator Sports and Entertainment: General  
 Swap Meets  
 Transient Habitation: Campground  
 Transient Habitation: Lodging  
 Transient Habitation: Resort  
 Transient Habitation: Rental Units  
 Wholesaling, Storage and Distribution: Mini-Warehouses  
 Wholesaling, Storage and Distribution: Light  
 Wholesaling, Storage and Distribution: Heavy

d. Industrial Use Types.

Custom Manufacturing  
 General Industrial  
 Heavy Industrial

e. Agricultural Use Types.

Horticulture: Cultivation  
 Horticulture: Storage  
 Tree Crops  
 Row and Field Crops  
 Animal Raising  
 Animal Waste Processing  
 Packing and Processing: Limited  
 Packing and Processing: General  
 Packing and Processing: Support  
 Packing and Processing: Winery  
 Packing and Processing: Small Winery  
 Packing and Processing: Boutique Winery  
 Packing and Processing: Wholesale Limited Winery  
 Agricultural Equipment Storage

f. Extractive Use Types.

Mining and Processing  
 Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

1205

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)  
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

1215 CLASSIFICATION OF COMBINATIONS OF PRINCIPAL USES.

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified either as accessory uses (Section 6150) or as permitted secondary uses.

- a. Separate Classification of Several Establishments. The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.
- b. Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types, all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one or more of the use types on the list:

Animal Sales and Services: Auctioning  
Animal Sales and Services: Stockyards  
Animal Waste Processing  
Explosive Storage  
General Industrial  
Heavy Industrial  
Major Impact Services and Utilities  
Mining and Processing  
Scrap Operations  
Wholesaling, Storage and Distribution: Heavy

This provision for classifying uses on the above list shall not apply to areas subject to the Fallbrook Village Regulations.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. 9620 (N.S.) adopted 12-10-03)

1220 CLASSIFYING USES.

Uses will be classified into use types based upon the description of the use types as contained in Section 1250 through Section 1899, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 1215 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

## AGRICULTURAL USE TYPES

### 1700 GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES.

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain use accessory to the above as specified in Section 6150, Accessory Use Regulations.

### 1710 HORTICULTURE.

Horticulture refers to premises primarily devoted to horticultural and floricultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. The following are Horticulture use types:

- a. Horticulture: Cultivation. Cultivation of plants for wholesale sales.
- b. Horticulture: Storage. Storage of plants, primarily in containers, for wholesale sales.

### 1715 TREE CROPS.

The Tree Crops use type refers to premises primarily devoted to the cultivation for sale at wholesale of tree-grown agricultural products such as avocados, walnuts and citrus fruits.

### 1720 ROW AND FIELD CROPS.

The Row and Field Crops use type refers to premises primarily devoted to the cultivation for sale at wholesale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers.

### 1725 ANIMAL RAISING.

The Animal Raising use type refers to premises where animals are fed or kept for personal use, for 4-H or other agricultural organization projects by the owner or occupant of the premises, or for animal products, animal increase or value increase.

### 1730 ANIMAL WASTE PROCESSING.

The Animal Waste Processing use type refers to the processing of animal waste and by-products, including but not limited to animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

The Animal Waste Processing use type does not include poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designation which allows an unlimited number of poultry.

(Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)

# 1735 PACKING AND PROCESSING.

Packing and Processing refers to packing and processing of fresh agricultural products and does not include cooking, canning, tanning, rendering and reducing operations which are general industrial uses. Following are categories of Packing and Processing use types:

- a. Packing and Processing: Limited. The customary preparation for market of fresh produce, flowers, feed, fiber, milk, eggs, rabbits, poultry and other similarly sized small or specialty animals raised for human consumption, produced on the same premises as the packing and processing operation. These products shall be considered to be produced on the same premises if they are solely grown or produced on land owned or operated by the same person who owns or operates the packing and processing facility.
- b. Packing and Processing: General. The customary preparation for market of fresh produce, flowers, feed, fiber, milk, eggs, rabbits, poultry and other similarly sized small or specialty animals raised for human consumption, produced on premises other than that upon which the packing and processing operation is located.
- c. Packing and Processing: Support. Fabrication, assembly, reconditioning and sale of boxes, cartons, crates and pallets for handling and transporting crops provided this use is secondary to agricultural or horticultural production on the premises.
- d. Packing and Processing: Winery. Crushing of grapes, berries and other fruits and fermentation, storage and bottling of wine from fruit grown on or off the premises. A Winery may also include a tasting room and retail outlet as secondary uses.
- e. Packing and Processing: Small Winery. Crushing of grapes, berries and other fruits and fermentation, storage and bottling of less than or equal to 120,000 gallon of wine per year. A Small Winery may also include a tasting room and retail outlet as secondary uses.
- f. Packing and Processing: Boutique Winery. Crushing of grapes, berries and other fruits and fermentation, storage and bottling of up to 12,000 gallons of wine per year. A Boutique Winery may also include a tasting room and retail outlet as secondary uses.
- g. Packing and Processing: Wholesale Limited Winery. Crushing of grapes, berries and other fruits for the fermentation, storage, bottling and wholesaling of up to 12,000 gallons of wine per year.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 7818 (N.S.) adopted 9-26-90)

(Amended by Ord. No. 7982 (N.S.) adopted 10-02-91)

(Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

**1740 AGRICULTURAL EQUIPMENT STORAGE.**

The Agricultural Equipment Storage use type refers to the storage and minor repair of farm implements and equipment including but not limited to vehicles, tractors, wagons, bailers, combines, fencing materials and irrigation pipe which are customarily used in tilling, harvesting and transporting plant or animal products when such storage is not accessory to agricultural use of the property and the property would otherwise be considered vacant, unproductive or only partly productive. The Agricultural Equipment Storage use type does not include the storage of pesticides or herbicides or the underground storage of fuel. Any use permit granted for Agricultural Equipment Storage shall include a finding that said equipment is necessary for agricultural operations located a reasonable distance from the storage site on land owned or leased by the same person owning or leasing the storage site.

(Added by Ord. No. 6855 adopted 10-10-84)

**1750 FARM LABOR CAMP.**

The Farm Labor Camp use type refers to the occupancy by 13 or more Farm Employees and their families of a living unit or units or 37 or more beds in a group quarters, without regard to duration. A Farm Labor Camp is allowed exclusively in association with the performance of commercial agricultural labor.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)





AGRICULTURAL USE REGULATIONS**A70 LIMITED AGRICULTURAL USE REGULATIONS****2700 INTENT.**

The provisions of Section 2700 through Section 2709 inclusive, shall be known as the A70 Limited Agricultural Use Regulations. The A70 Use Regulations are intended to create and preserve areas intended primarily for agricultural crop production. Additionally, a limited number of small farm animals may be kept and agricultural products raised on the premises may be processed. Typically, the A70 Use Regulations would be applied to areas throughout the County to protect moderate to high quality agricultural land.

**2702 PERMITTED USES.**

The following use types are permitted by the A70 Use Regulations:

**a. Residential Use Types.**

Family Residential

**b. Civic Use Types.**

Essential Services

Fire Protection Services (see Section 6905)

**c. Agricultural Use Types.**

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))

(Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

**2703 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Residential Use Types**

Mobilehome Residential "18"

2703

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"  
Animal Sales and Services: Veterinary (Small Animals) "6"  
Recycling Collection Facility, Small "2"  
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)  
Packing and Processing: Boutique Winery "22" (see Section 6910)  
Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)  
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)  
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

2704 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A70 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services  
Minor Impact Utilities  
Small Schools

b. Agricultural Use Types.

Farm Labor Camps

c. Commercial Use Types.

Cottage Industries "17" (see Section 6920)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

# 2705 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the A70 Use Regulations upon issuance of a Major Use Permit.

## a. Residential Use Types.

Group Residential

## b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

## c. Commercial Use Types.

Agricultural and Horticultural Sales (all types)  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

## d. Agricultural Use Types.

Agricultural Equipment Storage  
Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

## e. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2720

## A72 GENERAL AGRICULTURAL USE REGULATIONS

### 2720 INTENT.

The provisions of Section 2720 through Section 2729, inclusive, shall be known as the A72 General Agricultural Use Regulations. The A72 Use Regulations are intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically, the A72 Use Regulations would be applied to areas distant from large urban centers where the dust, odor, and noise of agricultural operations would not interfere with urban uses, and where urban development would not encroach on agricultural uses.

### 2722 PERMITTED USES.

The following use types are permitted by the A72 Use Regulations:

a. Residential Use Types.

Family Residential

b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

Law Enforcement Services (see Section 6905)

c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

(Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

### 2723 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"  
 Animal Sales and Services: Veterinary (Small Animals) "6"  
 Recycling Collection Facility, Small "2"  
 Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)  
 Packing and Processing: Boutique Winery "22" (see Section 6910)  
 Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

2724 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A72 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
 Small Schools

b. Agricultural Use Types

Farm Labor Camps

c. Commercial Use Types.

Cottage Industries "17" (see Section 6920)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
 (Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2725

**2725 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the A72 Use Regulations upon issuance of a Major Use Permit.

**a. Residential Use Types.**

Group Residential

**b. Civic Use types.**

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

**c. Commercial Use Types.**

Agricultural and Horticultural Sales (all types)  
Animal Sales and Services: Auctioning  
Explosive Storage (see Section 6904)  
Gasoline Sales  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

**d. Agricultural Use Types.**

Agricultural Equipment Storage  
Animal Waste Processing (see Section 6902)  
Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

**e. Extractive Use Types.**

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**DENSITY REGULATIONS****4100 TITLE AND PURPOSE.**

The provisions of Section 4100 through Section 4199, inclusive, shall be known as the Density Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and its associated Community and Specific Plans, and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

**4105 DENSITY DESIGNATOR NOTATION.**

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively. A dash ("-") shall indicate that no dwelling units are allowed. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

**4110 DENSITY REGULATIONS.**

- a. **Specification of Density.** Maximum residential densities expressed in dwelling units per net residential acre shall be established to regulate the density of residential development and any such density may be specified within the Development Regulations. The adopted San Diego County General Plan shall serve to guide the specification of residential density.
- b. **Density Designator.** In no case shall a density greater than 43 dwelling units per net residential acre be specified.
- c. **Minimum Density.** Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6478 (N.S.) adopted 12-1-82)

**4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.**

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate that no dwelling unit is allowed as a principal or secondary use. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**4116 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS WHEN DISCRETIONARY REVIEW IS REQUIRED AND PORTION OF SITE WILL BE REQUIRED FOR STREET RIGHT-OF-WAY.**

The maximum number of dwelling units permitted within the exterior boundary lines of property which is subject to approval of a Site Plan or Administrative Permit shall be computed as in Section 4115 except that:

- a. The Director shall obtain a recommendation for necessary street right-of-way requirements from the Department of Public Works; and
- b. Any street right-of-way which would be required by the Department of Public Works in order to obtain a building permit for the subject property shall be deducted in making the above calculations for net lot area.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

**4120 EXCEPTIONS TO DENSITY REGULATIONS.**

The following are exceptions to the Density Regulations:

- a. Farm Employee Housing. Farm Employee Housing is not subject to Density Regulations.
- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are not subject to Density Regulations.



- c. Density Bonus Projects for Affordable or Senior Housing. An increase in density exceeding the applicable Density Regulations may be approved for projects that reserve housing units for moderate, low, or very low income households or for senior housing in accordance with the Density Bonus Program found at Sections 6350 through 6399.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5676 (N.S.) adopted 12-19-79)  
 (Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6029 (N.S.) adopted 4-22-81)  
 (Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)  
 (Amended by Ord. No. 6479 (N.S.) adopted 12-01-82)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6634 (N.S.) adopted 08-03-83)  
 (Amended by Ord. No. 7319 (N.S.) adopted 06-10-87)  
 (Amended by Ord. No. 7525 (N.S.) adopted 09-07-88)  
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)  
 (Amended by Ord. No. 9020 (N.S.) adopted 04-14-99)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 4125 COMPUTATION OF MINIMUM NUMBER OF DWELLING UNITS.

The minimum number of dwelling units required within the exterior boundary lines of any subdivision, or a single lot shall be equal to the product of the total of the net lot area of such subdivision, or lot expressed in acres multiplied by the applicable minimum density designator, if any. A product with any fraction of a dwelling unit shall be rounded up to the nearest whole number of dwelling units.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 4116)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)



- s. One sign not exceeding 32 square feet offering premises for sale or lease, shall be permitted along each frontage, except that for any frontage in excess of 500 feet, a sign not exceeding 64 square feet shall be permitted. No sign shall exceed a height of 12 feet. In residential zones, such signs are limited to 4 square feet in area and a maximum height of 6 feet.
- t. Temporary construction site signs, provided that all of the following conditions hold:
  - 1. One nonilluminated sign having a total area of not more than 160 square feet shall be permitted along each frontage; except that 2 such signs may be placed along a frontage having a length in excess of 500 feet.
  - 2. Such signs may be either freestanding or wall signs or may be mounted on a temporary construction fence, and shall be permitted only for the duration of the construction with which associated. Such signs will not be subject to the regulations applicable to freestanding signs or wall signs.
  - 3. Such signs may not exceed a height of 20 feet.
- u. One sign less than or equal to 12 square feet in area for an allowed roadside sales stand, Small Winery or Boutique Winery identifying and advertising agricultural products produced on the premises.
- v. One identification sign up to 20 square feet identifying a residential development, multiple dwellings, clubs and similar uses on each street frontage affording primary access to the site.
- w. Identification signs up to a total of 40 square feet identifying hotels, motels, hospitals, parking garages, institutions of religious, educational, philanthropic or charitable nature, and resort service uses subject to the Resort Services Regulations at Section 6400.
- x. For any use type allowed by the granting of a major use permit, placement, number, and size of on-premise signs shall be determined by the conditions of approval of the major use permit.
- y. Signs for recycling facilities provided that all of the following conditions hold:
  - 1. Recycling facilities may have identification signs with a maximum area of 20 percent of each receptacle side or 16 square feet, whichever is smaller. In the case of a wheeled receptacle, the side shall be measured from the pavement to the top of the receptacle;
  - 2. Directional signs, bearing no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of way;

3. The Director may authorize increases in the number and size of signs upon finding that such increases are compatible with adjacent businesses.
- z. In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristic shall be permitted.

(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)  
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

6259            PORTABLE ON-PREMISE SIGNS PROHIBITED.  
 Portable on-premise signs shall be prohibited.

6261            ON-PREMISE SIGNS REGULATED.

Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
  1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
  2. On premises upon which a commercial or industrial use type legally exists subject to the S87 Use Regulations.
  3. On premises in any zone where a nonconforming commercial or industrial use type exists.
  4. Fallbrook Village Zones.
- b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:
  1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

- c. **Site Preparation and Development.** Site preparation and development to facilitate the takeoff, landing and storage of ultralight vehicles on private property shall be in accordance with the following criteria:
1. All grading and clearing for runways shall comply with applicable grading and clearing regulations.
  2. Surfacing of runways is not required. However, measures shall be taken to prevent the blowing of dust, dirt or other objectionable material onto neighboring property in order to comply with the San Diego County Air Pollution Control District Rules and Regulations.
  3. Storage building(s), or hangar(s), shall not exceed 800 square feet for a single ultralight vehicle permanently stored at each site or 600 square feet each for multiple ultralight vehicles permanently stored at each site, in addition to those accessory buildings authorized by Section 6156. Additional square footage may be authorized by minor use permit as provided for in subsection "d" of this Section. All fuel shall be stored in compliance with the Uniform Fire Code.
  4. A maximum of three ultralight vehicles may be stored (kept on the property) for more than five consecutive days at each takeoff and landing area established pursuant to this Section.
- d. **Minor Use Permit.** A minor use permit may authorize ultralight vehicle takeoff and landing locations, operating characteristics or site preparation and development characteristics different from those stated in this Section, and may authorize takeoffs and landings closer than 1,000 feet from any dwelling and earlier or later than otherwise permitted by this Section.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)  
(Amended by Ord. No. 7594 (N.S.) adopted 02-22-89)

6350

DENSITY BONUS PROGRAM

6350 TITLE AND PURPOSE.

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program. The purpose of these provisions is to implement the state requirements at Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives for the development of housing that is affordable to residents who qualify under Section 6355. The Density Bonus Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus projects except for housing under the County Affordable Senior Housing Program which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and incentives, a proposed housing development shall comply with the following provisions of the Density Bonus Program and all other applicable local, state, and federal requirements.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6355 ELIGIBILITY FOR DENSITY BONUS PERMIT.

- a. Income and Age Requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one of the following:
  - 1. Ten percent of the total number of base units are reserved for lower income households.
  - 2. Five percent of the total number of base units are reserved for very low income households.
  - 3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5.
  - 4. Ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.
  - 5. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.

If the development meets more than one of the qualifications listed above, the applicant shall elect only one qualifying option.

- b. **Land Donation.** An applicant for a tentative subdivision map, parcel map, or other residential development, who donates land to the County for very low income housing and meets the requirements of Government Code Section 65915, shall be eligible for a density bonus. If the applicant also meets one of the eligibility requirements of subsections a.1. through a.4., that density bonus may be combined with the land donation bonus up to a maximum of 35 percent.
- c. **Condominium Conversion Projects.** An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
- d. **Child Care Facilities.** A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
- e. **Minimum Project Size.** The density bonus provided by this ordinance shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 6360 DENSITY BONUS.

- a. **Density Bonus Allowance.** A housing development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus permit as follows:
  - 1. **Density Bonus Table.** The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of reserved units. The total number of base units shall be calculated in accordance with Section 4115 and be consistent with the maximum allowable residential density under the Zoning Ordinance and the land use element of the general plan. The density bonus shall be calculated based on the Density Bonus Table.

**DENSITY BONUS TABLE**

Income Category	Reserved Units	Bonus Units		
Household Income Category of Reserved Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
Senior Citizen Housing Development	100%	20%	--	20%
Land Donation for Very Low Income Housing	10% of Market- Rate Units	15%	1%	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		

\* The density cap of 45 units per acre is calculated based on the net lot area per Section 4115.

2. County Affordable Senior Housing Program.

- i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.5. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:



- a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.
  - b) The site is physically suitable for the density of development proposed.
  - c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to the housing development.
  - d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.
  - e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.
- ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.
  - iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.
  - iv. Density bonus calculations shall be made as specified in Section 6360 b.
  - v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.
  - vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.
  - vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.
  - viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.
  - ix. Parking requirements shall be met as specified in Section 6370.

- x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit a financial pro forma under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to three incentives, unless disapproved with written findings in accordance with Section 7420 a.
- 3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density.
  - i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
  - ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.
- 4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value.
- 5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):
  - i. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.
  - ii. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- b. Density Bonus Calculations.
  - 1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.

- i. The net lot area of the project site shall be the basis on which the number of base units is determined.
  - ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.
  - iii. When calculating the maximum number of base dwelling units permitted on a project site in accordance with Section 4115, a decimal fraction of .5 or less shall be rounded down to the nearest whole number of dwelling units. A decimal fraction of greater than .5 shall be rounded up to the nearest whole number of dwelling units.
  - iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, as calculated under Section 4115, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.
- 2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.
  - 3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 6365 INCENTIVES.

- a. The applicant for a density bonus permit may qualify for one or more of the following incentives:
  - 1. A reduction in required site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq. and that results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.
  - 2. Approval of mixed-use land uses not otherwise allowed by the County Zoning Ordinance in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and with existing or planned development in the area where the project will be located.

3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.
- b. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved with written findings in accordance with Section 7420 a:

#### INCENTIVES SUMMARY

Income Category of Reserved Units	% of Reserved Units		
	5%	10%	15%
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
<b>Maximum Number of Incentives</b>	<b>1</b>	<b>2</b>	<b>3</b>

- c. Type Of Incentive.
1. The need for incentives will vary for different housing developments. Therefore, the allocation of incentives shall be determined on a case-by-case basis. The incentive may include, but is not limited to, any of the following:
    - i. Reduced minimum lot dimensions.
    - ii. Reduced minimum lot setback for each side yard (each side is a separate incentive).
    - iii. Reduced minimum lot setback for front yard.
    - iv. Reduced minimum lot setback for rear yard.
    - v. Reduced minimum group usable open space.
    - vi. Reduced minimum private usable open space.
    - vii. Increased maximum building stories.
    - viii. Increased maximum building height.
  2. Other regulatory incentives proposed by the developer or the County which result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.

3. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 6367 WAIVER OF DEVELOPMENT STANDARDS

- a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development at the densities or with the incentives permitted by the Density Bonus Program.
- b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:
  - i. A height limitation.
  - ii. A setback requirement.
  - iii. A floor area ratio.
  - iv. An onsite open-space requirement.
  - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus Program shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 6370 PARKING REQUIREMENTS.

- a. Applicability. The following parking requirements apply to development that is eligible for a density bonus. Any additional modifications will be considered an incentive as explained in Section 6365.
- b. Number Of Parking Spaces Required.
  1. The County shall require the following vehicular parking ratios for a project that meets the eligibility requirements for a density bonus, inclusive of parking for the disabled and guest parking.

**PARKING REQUIREMENTS**

<b>Number of Bedrooms</b>	<b>Number of on-site parking spaces needed</b>
0 – 1	1
2 – 3	2
4+	2.5

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- c. **Location of Parking.** For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**6375 RESERVED UNITS.**

- a. **Duration of Affordability.** The applicant shall agree to, and the County shall ensure, the continued availability of the reserved units that qualified the housing development for a density bonus and other incentives for a period of at least 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
- b. **Unit Affordability Requirements.**
  1. **Rental Units.** Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
  2. **Owner-occupied Units.** Owner-occupied reserved units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
- c. **Occupancy and Resale of Moderate Income Common Interest Development Units.**
  1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
  2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2).

d. Location and Type of Reserved Units.

1. Location/Dispersal of Units. Reserved units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units.
2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The reserved units shall be constructed concurrently with or prior to construction of the market rate units.
3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)





8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.
  9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.
- c. **Building Permit.** Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Land Use. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.
  - d. **Cancellation of Registration.** The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.
  - e. **Approval for Occupancy.** The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.
  - f. **Modification of Requirements.** Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 6865 (N.S.) adopted 11-07-84)  
 (Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)  
 (Amended by Ord. No. 8232 (N.S.) adopted 5-5-93)  
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

6510

Standard Mobilehome Park Regulations

6510 APPLICATION.

The provisions of Section 6510 through 6529, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type, except those uses permitted pursuant to the Mini-Mobilehome Park Regulations commencing at Section 6530 or the Planned Development Standards commencing at Section 6600.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

6512 USE PERMIT REQUIRED.

A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure commencing at Section 7350.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

6514 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

6516 GENERAL STANDARDS: STANDARD MOBILEHOME PARKS.

- a. Minimum Area. A standard mobile home park shall be not less than five acres in area.
- b. Density. A standard mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100 and at Section 6350.
- c. Reclassification. Prior to final construction approval for any new or expanded standard mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a tentative subdivision map is filed concurrently with the related use permit application or for mobilehome parks approved pursuant to the Density Bonus Program (Section 6350 et seq.).
- d. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

6518 GENERAL DEVELOPMENT CRITERIA: STANDARD MOBILEHOME PARKS

- a. Compatibility with Adjacent Land Uses. The standard mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- b. Setback: Perimeter. Mobilehome and buildings within a standard mobilehome park shall maintain the following setbacks.
  - 1. The setbacks established by the applicable Setback Regulations, commencing at Section 4800.

2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park.
  3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- c. **Setbacks: Recreation Use Area.** No recreational area or facility specified in the major use permit as being intended for the use of more than one family shall be permitted within 100 feet of any external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.
  - d. **Fencing and Landscaping.** Mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.
  - e. **Open Space.** At least one substantial area of group usable open space shall be provided. Such area shall:
    1. Conform to the Group Usable Open Space Standards of the Open Space Regulations commencing at Section 4900. The Group Usable Open Space shall total at least 250 square feet per dwelling unit unless the Open Space Designator provides for another amount.
    2. Be of such size and shape that each side of the rectangle inscribed within it is at least 100 feet in length.
    3. Include outdoor recreational facilities for both active and passive recreation.
  - f. **Recreational Facilities.** Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation area shall be landscaped, improved and maintained.
  - g. **Interior Access Drives.** Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius.

- h. **Storage Area.** Common storage areas shall be provided with an enclosed fenced area for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobilehome lot. All storage on a mobilehome lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.
- i. **Sewer and Water.** Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health or the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Health Services.
- j. **Undergrounding.** All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.
- k. **Antennas.** A master antenna television (MATV) system shall be provided with underground cable service to at least all mobilehome and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be met by the provision of an underground cable television (CATV) system by a county-licensed CATV operator. No other television antennas shall be permitted unless authorized by the major use permit.
- l. **Fire Protection.** On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the major use permit and shall be of a type approved by the Chief of the local fire protection district, or if there is no local fire district, by the Fire Services Coordinator.
- m. **Night Lighting.** Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.
- n. **Signs.** Signs shall conform to the On-Premise Sign Regulations commencing at Section 6250.
- o. **Access.** Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6520

**6520 MOBILEHOME LOT DEVELOPMENT CRITERIA: STANDARD MOBILEHOME PARKS.**

For purposes of Mobilehome Lot Development Criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

- a. Density of Occupation. Each mobilehome lot shall be designed to be occupied by one mobilehome and uses thereto.
- b. Lot Size. Each mobilehome shall have the minimum size indicated below based on its occupancy.

<u>Occupancy</u>	<u>Minimum Lot Size</u> (Excluding interior access drives)
A mobilehome not more than 14 feet in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14 feet in width containing 1 dwelling unit	3,000 square feet
A mobilehome containing more than 1 dwelling unit	1,500 square feet per dwelling unit

- c. Coverage. Not more than 75 percent of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.
- d. Setback from Interior Access Drive. Each mobilehome lot shall have a front yard setback of not less than 5 feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.
- e. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than 5 feet in width along the entire length of the mobilehome lot.
- f. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than 5 feet along the entire width of the mobilehome lot.
- g. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.

- h. **Homes on a Permanent Foundation.** No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. This provisions shall not apply to subdivided parks or to parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.
- i. **Number of Dwelling Units to be Specified.** Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.
- j. **Plot Plan to Specify Typical Development.** The plot plan shall indicate the development proposed for each mobilhome lot through the use of "typicals" showing the footprint, floor plan and elevations for each proposed structure. The plot plan shall also clearly designate whether homes are to be of the "manufactured" or "factory-built" construction type. In no case shall factory-built housing be permitted unless shown on an approved plot plan.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

#### 6522 MODIFICATION OF REQUIREMENTS.

Modification of the development criteria of Sections 6518 and 6520 may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

#### 6524 ACCESSORY USES AND STRUCTURES PERMITTED.

The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:

- a. **Convenience Structures.** Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; lathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

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- b. **Recreational Facilities.** Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.
- c. **Public Utilities.** Public utilities and public service facilities.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

#### Mini-Mobilehome Park Regulations

##### 6530 APPLICATIONS.

The provisions of Sections 6530 through 6549, inclusive, shall be known as the Mini-Mobilehome Park Regulations. These provisions apply to uses classified in the Mobilehome Residential Use Type as follows: An expansion of an existing mobilehome park which has been established pursuant to a major use permit by the addition of not more than 49 mobilehomes or the establishment of a new mobilehome park containing not more than 49 mobilehomes.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

##### 6532 USE PERMIT REQUIRED.

A mini-mobilehome park consisting of not more than 8 mobilehomes is permitted upon the issuance of a Minor Use Permit. Mini-mobilehome parks consisting of 9 or more mobilehomes are permitted upon the issuance of a Major Use Permit. An existing mobilehome park which was not established pursuant to a Major Use Permit may be expanded under these Mini-mobilehome Park Regulations only upon issuance of a Major Use Permit. Modification of development criteria for the existing mobilehome park may be granted pursuant to Section 6522.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

##### 6534 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mini-mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.



(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.**

- a. **Density.** A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. **Reclassification.** Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for mobilehome parks approved pursuant to Policy 3.8 of the Land Use Element of the General Plan or for a mini-mobilehome park with less than nine units.
- c. **Factory-Built Housing.** Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)  
 (Amended by Ord. No. 6432 (N.S.) adopted 8-25-82)

**6538 GENERAL DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS.**

- a. **Compatibility with Adjacent Land Uses.** A mini-mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. To achieve this purpose, a Minor Use Permit for a mobilehome park with less than nine units, conditioned to meet the requirements for exterior siding and roofing materials and eave overhangs specified in Section 6506 b. for mobilehomes on private lots, may be approved by the Director except that no permanent foundation system shall be required. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

- b. **Setbacks: Perimeter.** Mobilehomes and buildings within a mini- mobilehome park shall maintain the following setbacks:
  - 1. The setbacks established by the applicable Setback Regulations.
  - 2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park except that this requirement shall not apply to a mini-mobilehome park of less than nine units.
  - 3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- c. **Fencing and Landscaping.** Mini-mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700. The Director may specify different requirements for a mini-mobilehome park with less than nine units.
- d. **Interior Access Drive.** Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius. The Director may approve other paving material for a mini-mobilehome park with less than nine units.
- e. **Sewer and Water.** Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

- b. Exception to Section 1019. Notwithstanding Section 1019, no application for a building permit for a Funeral and Interment Services: Cremating use type shall be accepted or approved where the proposed use or facility would violate Section 2545(b) or Section 2585(b).

(Added by Ord. No. 8318 (N.S.) adopted 10-27-93)

#### 6908 COLUMBARIA

Additional Standards for Columbaria. Before any Major Use Permit or Minor Use Permit for a Columbarium may be granted or modified, in addition to the findings required by Section 7358, it shall be found that the Columbarium will be located upon land owned in fee interest by the operator of the associated Religious Assembly Use Type.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

#### 6909 MINI-WAREHOUSES.

All Mini-Warehouses shall comply with the following provisions:

- a. Commercial Uses Not Allowed. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use.
- b. Size and Uses. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of 400 square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.
- c. Driveways. Driveways between mini-warehouse buildings on the same site shall have a minimum width of 24 feet to accommodate the temporary parking of vehicles during loading and unloading operations.
- d. Mini-Warehouses in Residential Areas. In areas where mini-warehouses are permitted upon issuance of a Major Use Permit under the residential use regulations, they may only be located on relatively flat parcels of land of not less than 1 acre and not greater than 5 acres where any portion of such parcels are on the periphery of residential areas impacted by noise levels from adjacent roads in excess of 60 CNEL.
- e. Enclosure Regulations. The Enclosure Regulations to the contrary notwithstanding, open storage of boats and/or recreational vehicles, may be permitted as an accessory use in connection with a major use permit for a mini-warehouse.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

6910

6910        WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

- a.        Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
1.        A Wholesale Limited Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
  2.        On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
  3.        The maximum floor area of non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking is limited to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.
  4.        Up to 75 percent of the fruit used in winemaking may be imported from off the premises while the remainder shall be grown on the premises.
  5.        Wine production shall be less than 12,000 gallons annually.
  6.        All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.
  7.        A Wholesale Limited Winery shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.
- b.        Boutique Winery. A Boutique Winery shall comply with the following provisions:
1.        A Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
  2.        Wine production shall be less than 12,000 gallons annually.
  3.        Of the total fruit used in winemaking a minimum of 75% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 25% may be grown outside of San Diego County.

4. The maximum floor area of non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking is limited to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.
5. One tasting/retail sales room is allowed. The tasting/retail sales room shall be accessory to wine production and shall not exceed 30% of the total square footage of the structure used for wine production. Internet sales, phone sales and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited.
7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Boutique Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
8. A tasting/retail sales room is allowed to operate from 10 a.m. until legal sunset seven days a week.
9. A minimum of six parking spaces shall be provided for customers and a minimum of three spaces shall be provided for employees and Boutique Winery operations. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes.
11. Amplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.
13. Outdoor eating areas shall be limited to a maximum of five tables and seating for no more than 20 people.
14. Vehicles with a capacity in excess of 12 passengers are not allowed.
15. A Boutique Winery shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.

- c. Small Winery. A Small Winery shall comply with the following provisions:
1. A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
  2. Wine production shall be less than 120,000 gallons annually.
  3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.
  4. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
  5. Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.
  6. An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
    - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
      - a) Harmony in scale, bulk, coverage and density.
      - b) The availability of public facilities, services and utilities.
      - c) The harmful effect, if any, upon desirable neighborhood character.
      - d) The generation of traffic and the capacity and physical character of surrounding streets.
      - e) The suitability of the site for the type and intensity of use or development which is proposed.
      - f) Any other relevant impact of the proposed use.

- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
- 7. A Small Winery shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.
- 8. Notice of the Administrative Permit application shall be given to owners of property within 300 feet of the exterior boundaries of a proposed Small Winery and a minimum of 20 different owners pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

#### 6911 EMERGENCY SHELTERS.

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.

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- c. The client waiting and/or intake areas shall be as follows:
  - 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
  - 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 59.101 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

6920 COTTAGE INDUSTRIES.

- a. Purpose and Intent. The purpose and intent of this Section is to provide a means for establishing certain limited commercial and industrial uses to provide products and services to rural areas which are not currently zoned commercial or industrial but would benefit from the application of such limited commercial and industrial uses. Furthermore, it is intended that these limited commercial and industrial uses be used in conjunction with a dwelling and that said uses, although more extensive than home occupations, do not significantly alter or disturb the residential or rural nature of the premises or the surrounding community.



b. Permit.

1. Cottage Industries are permitted, upon issuance of a Minor Use Permit, only in the A70, A72, S87, S90 and S92 Use Regulations, and in the RR Use Regulations on parcels of four acres gross or larger.
2. A Minor Use Permit for a Cottage Industry shall be granted for seven years, unless the Director determines that a shorter period is more appropriate to insure conformance with the intent and standards of this section or other applicable requirements. Any person holding an unexpired Minor Use Permit for a cottage industry may apply for a modification pursuant to Section 7378 to extend its expiration date. The expiration date of any unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall, however, be automatically extended by operation of Ordinance No. 7964 (N.S.) to September 13, 1998.
3. The Director, in acting on an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991, shall not apply the 1,000 square foot maximum floor area standard specified in Section 6920d.4. below. The maximum floor area applicable to an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall be the square footage authorized and constructed prior to September 13, 1991.

c. General Standard. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.

d. Specific Standards. Cottage Industries shall conform to the following requirements:

1. The Cottage Industry shall be a secondary use of a parcel containing a dwelling occupied as the principal residence of the owner or operator of the Cottage Industry.
2. The use shall be conducted entirely within a dwelling, garage, or accessory building which retains the appearance of buildings normally associated with dwellings.
3. Dwellings or garages modified in conjunction with this use shall, on sides adjacent to streets, retain the appearance of a single detached dwelling and garage. The required number of off-street parking spaces shall be maintained.

4. The maximum floor area devoted to the use shall not exceed 1,000 square feet.
  5. Not more than 3 persons may be employed on the premises in addition to the members of a single family residing on the premises.
  6. No on-premise signs or advertising is permitted except as permitted for home occupations (one sign not exceeding 2 square feet in area displaying the name and occupation of the occupant).
  7. No Cottage Industry may be owned, operated, managed, or leased by any person within one mile of any other Cottage Industry owned, operated, managed, or leased by the same person.
  8. The Cottage Industry shall conform to the Performance Standards for the applicable use regulations. (See Section 6300)
  9. Production of goods shall be by hand manufacturing methods which involve the use of hand tools or mechanical equipment not exceeding the use of five horse power at any one time, or a single kiln not exceeding 8 cubic feet in volume. The applicant shall provide a description, including horsepower ratings, of all power tools intended to be utilized.
  10. Incidental direct sale to consumers of only those goods produced on site may be permitted subject to any limitations specified by the Minor Use Permit.
- e. Decision. If the officer or body having jurisdiction over a permit for a Cottage Industry determines that a particular use does not comply with all applicable regulations or that the permit cannot be conditioned by adequate requirements to ensure compliance with all applicable regulations, the permit shall be denied.

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 6195 (N.S.) adopted 12-2-81)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
 (Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## PART SEVEN: PROCEDURES

### GENERAL PROVISIONS:

#### 7000 TITLE.

The provisions of Section 7000 through Section 7999, inclusive, shall be known as the Procedures.

#### 7005 PURPOSE AND INTENT.

The purpose of these provisions is to provide procedures for processing applications and administering the requirements of the Zoning Ordinance. The intent is to provide flexibility to achieve good and appropriate development while providing certainty to landowners and other members of the public that the public health, safety and welfare will be protected.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

#### 7007 DECISION OF DENIAL FOR VIOLATION CASES.

The decision-making authority as defined by the respective permit type procedures herein shall have the discretion to deny a Use Permit, Administrative Permit, Site Plan, or Variance when there is an existing violation of any County Ordinance which the decision-making authority determines is related to the Use Permit, Administrative Permit, Site Plan, or Variance that is being sought.

(Added by Ord. No. 9690 (N.S.) adopted 12-15-04)

#### 7010 APPLICABILITY.

The Procedures shall apply in all zones unless otherwise provided.

#### 7015 CITIZEN ADVISORY BOARD REVIEW.

Notwithstanding any other provision of The Zoning Ordinance, where a decision-making authority is required to consider the action or recommendation of any citizen advisory board prior to making any decision as required by The Zoning Ordinance, the decision-making authority may act without such action or recommendation under any of the following circumstances:

1. Where an advisory board which has not conducted an initial meeting has not provided a recommendation within the time limitations of applicable sections of this Ordinance, or within 60 days, whichever is less, commencing from the date the Director transmits the application to a duly appointed advisory board member;
2. Where an advisory board previously established by the Board of Supervisors has subsequently been disestablished by the Board of Supervisors; or
3. Where an advisory board which has conducted an initial meeting has not provided a recommendation within the time limitation of applicable sections of The Zoning Ordinance.

7015

When circumstances under 1. or 2. above involve a citizen advisory board other than a community planning or sponsor group, the Director shall distribute the application to the appropriate community planning or sponsor group. The decision-making body shall consider the recommendation, if any, of said planning or sponsor group which is received within the time limitations of applicable sections of The Zoning Ordinance, or within 60 days, whichever is less.

(Added by Ord. No. 8451 (N.S.) adopted 9-21-94)

**7017 APPLICATIONS TO BE SIGNED BY PROPERTY OWNERS**

Any application which is authorized to be filed by the property owner pursuant to these procedures shall be signed by all owner(s) of the property subject to the application, or the authorized agent(s) of the owner(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s).

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7019 PERMITS AND APPROVALS TO BE RECORDED AND PROVIDE  
CONSTRUCTIVE NOTICE**

When the approval of any Administrative Permit, Density Bonus Permit, Variance, Site Plan, or Use Permit, or a modification to or minor deviation from any of the foregoing, has become final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The document to be recorded shall set forth the names of all owners of the property subject to the Administrative Permit, Density Bonus Permit, Variance, Site Plan, or Use Permit. The recorded document shall provide constructive notice to all purchasers, transferees, or other successors to the interest of the owners named, of the rights and obligations created by the Administrative Permit, Density Bonus Permit, Variance, Site Plan, or Use Permit.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

4. The appropriate environmental impact review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7352, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)  
 (Amended by Ord. No. 9569 (N.S.) adopted 7-09-03)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 7355 MAJOR USE PERMIT REVIEW IN COMMUNITY OR SUBREGIONAL PLAN AREAS WITH COMMUNITY DESIGN REVIEW PROGRAMS.

In community or subregional plan areas with community design review programs, applications for major use permits or major use permit modifications, for the following uses, shall be referred to the appropriate Community Design Review Board for advisory design review recommendation:

Planned developments; standard mobilehome parks; mini-mobilehome parks; civic, fraternal or religious assembly; administrative services; clinic services; community recreation facilities; cultural exhibits and library services; group care; child care centers; and major impact services and utilities.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)  
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

#### 7356 HEARING AND NOTICE.

All applications for granting or modifying a use permit and all actions to revoke or modify a use permit shall be heard at a public hearing scheduled and noticed as required by Section 7603, and 7605, respectively.

#### 7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354.b.2. For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit. If, subsequent to the granting of a use permit, the use(s) authorized thereby become permitted uses through a zoning amendment, the holder of the use permit may request, and the Director may approve, termination of the use permit. Upon such termination, the terms and conditions of the use permit shall no longer be applicable to that property or to the use thereof.

(Added by Ord. No. 9569 (N.S.) adopted 7-09-03)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

7358

**7358 FINDINGS REQUIRED.**

Before any use permit may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
  1. Harmony in scale, bulk, coverage and density;
  2. The availability of public facilities, services and utilities;
  3. The harmful effect, if any, upon desirable neighborhood character;
  4. The generation of traffic and the capacity and physical character of surrounding streets;
  5. The suitability of the site for the type and intensity of use or development which is proposed; and to
  6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8457 (N.S.) adopted 10-5-94)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS.**

Before any use permit for a "Specific Hazardous Waste Facility Project", as defined in Health and Safety Code Section 25199.1, may be granted or an existing facility modified, in addition to the findings required by Section 7358, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan 1989-2000, all of which documents are on file with the Clerk of the Board of Supervisors as Exhibit A to Ordinance No. 8093 (N.S.):

- a. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);

- b. Appendix IX-A, entitled "Siting Criteria For Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County", and
- c. Appendix IX-B, entitled "'General Areas' For Siting Hazardous Waste Management Facilities."

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8093 (N.S.) adopted 6-17-92)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 7360 DECISION AND NOTICE.

The Board of Supervisors, the Planning Commission, or the Director shall decide and notice matters concerning use permits as follows:

- a. Applications for granting or modifying a use permit. Following the hearing on an application for granting or modifying a use permit, the Board of Supervisors, the Planning Commission, or the Director, whoever has jurisdiction over the application, shall deny the use permit or the requested modification; or shall grant or modify the use permit subject to specified conditions as may be imposed pursuant to Section 7362. Notice of the decision on the application shall be filed in the office of the authority having jurisdiction over the application and a copy of said notice shall be mailed to the applicant at the address shown on the application. Said decision shall become effective as provided in Section 7364.
- b. Action to Revoke or Modify a Use Permit For Cause. Following the hearing in an action to revoke or modify a use permit, as prescribed in Section 7382, the Board of Supervisors, the Planning Commission, or the Director, whoever conducts the hearing, may decide to revoke or to modify the use permit, or may decide to take no action. Notice of the decision on the action shall be filed in the office of the deciding authority and a copy of said notice shall be mailed to the person to whom the use permit was originally granted. Said decision shall become effective as provided in Section 7364.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 7362 CONDITIONS.

Use permits may be granted or modified subject to the performance of such conditions, including the provision of required improvements, and for such period of time as the Planning Commission, the Board of Supervisors, or the Director, whoever grants or modifies the use permit, shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the Zoning Ordinance shall be achieved. Such conditions shall be imposed and enforced as follows:

- a. Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a use permit, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the use permit. Such security shall be furnished as required by Section 7612.

- b. **Provision of Required Improvements.** Whenever a use permit is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant County authority, the applicant shall execute an agreement with the cognizant County authority pursuant to Section 7613 to make such improvements, prior to the time or events specified in the permit.
- c. **Condition Declared Void.** Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of a use permit to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said use permit shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 7380.
- d. **Violation of Condition.** Whenever a use permit is granted or modified subject to a condition or conditions, use or enjoyment of the use permit in violation of or without observance of any such condition shall constitute a violation of the Zoning Ordinance and said use permit may be revoked or modified as provided by Section 7382.
- e. **Monitoring compliance.** Every permittee of a use permit shall allow the Director to conduct periodic inspections of the property for which a use permit has been granted to ensure that the permittee is complying with the use permit conditions. Inspections under this section are in addition to any inspections authorized under Section 7702. As used in this section, "permittee" also means the permittee's employees, agents, tenants, heirs, assignees and successors. The frequency of the periodic inspections shall be at the discretion of the Director, but shall not occur more often than once every twelve months. The Director shall give the permittee written notice at least 24 hours before any inspection under this section. No permittee shall refuse to permit inspection of the property covered by the use permit after the requisite notice has been given. No inspector, however, shall conduct any inspection authorized by this section if permission to inspect is refused. If permission to inspect is refused, the inspector may obtain an inspection warrant pursuant to California Code of Civil Procedure sections 1822.50 et seq. to conduct any inspection authorized by this section. If an inspector determines during a periodic inspection that the permittee is not in compliance with any use permit condition, the Director may authorize follow-up inspections more frequently than once every twelve months until the Director is satisfied that the permittee is complying with all use permit conditions.
- f. **Notices under paragraph e.** Notices shall either be served personally or by United States mail. Notices served by mail shall allow five business days for delivery.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

(Amended by Ord. No. 9756 (N.S.) adopted 2-1-06)



### 7363 DEFENSE OF LAWSUITS.

As a condition of approval of a Major Use Permit, Minor Use Permit, use permit modification, or use permit extension for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) before January 3, 2003, the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers or employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the major use permit, minor use permit, use permit modification or use permit extension or any of the proceedings, acts or determinations taken, done or made prior to such decision; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense. Each applicant seeking approval of any Major Use Permit, Minor Use Permit, use permit modification, or use permit extension, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 3, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

(Added by Ord. No. 7782 (N.S.) adopted 07-25-90)

(Amended by Ord. No. 9517 (N.S.) adopted 12-04-02)

### 7364 EFFECTIVE DATE.

Decisions of the Planning Commission, or the Director made pursuant to Section 7360 shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 7366. All decisions of the Board of Supervisors made pursuant to Section 7360 shall be final and effective immediately.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 9674 (N.S.) adopted 9-22-04)

### 7366 APPEAL.

Use permit decisions pursuant to Sections 7360, 7376, 7378 or 7382 may be appealed as follows:

#### a. Appeals Authorized.

1. A Major Use Permit decision of the Planning Commission may be appealed to the Board of Supervisors.
2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.

3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.
- b. **Resubmittal of Revised Application.** If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.
- c. **Persons Authorized to Appeal.** No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission or the Director, whoever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.
- d. **County Officer May Appeal.** Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 7360, without fee.
- e. **Manner and Time of Filing.** An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602 and shall be filed as follows:
  1. If filed personally, the appeal shall be filed in the Department of Planning and Land Use by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.
  2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, CA 92123.
- f. **Effect of Filing the Appeal.** An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director, as provided by Section 7366, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- g. **Forwarding of Record.** Upon the filing of an appeal, the authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.
- h. **Public Hearing.** Following the filing of an appeal, the authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.

DENSITY BONUS PERMIT PROCEDURE

## 7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus permit or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

## 7402 APPLICABILITY.

The density bonus permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

## 7405 JURISDICTION.

- a. Applications for granting or modifying a density bonus permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a density bonus permit application shall be under the original jurisdiction of the Director of Planning and Land Use.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

## 7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
  1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
  2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.

## b. Required Documents.

The applicant shall submit an application for a density bonus permit in accordance with the following requirements:

1. Application. A density bonus permit application shall include the following information:
  - i. A description of the requested density bonus, incentive, waiver or modification.
  - ii. Identification of the base project without the density bonus, number and location of all reserved units qualifying the project for a density bonus, level of affordability of all reserved units, and identification of the bonus units.
  - iii. In phased housing projects, for each construction phase, the density bonus application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all reserved units, phasing of all reserved units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.
  - iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility given above can be met.
  - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
  - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
2. Financial Pro Forma. If the applicant requests one or more incentives under the Density Bonus Program, a financial pro forma shall be submitted that meets the requirements of this section. It shall demonstrate that the requested incentives result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units. The financial pro forma shall address:
  - i. The actual cost reductions achieved through each incentive.
  - ii. That the actual cost reduction achieved through each incentive is needed to achieve the economic feasibility that allows the developer to provide the reserved units.
3. An application for a density bonus permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.

4. No discretionary project application that includes an application for a density bonus permit shall be deemed complete unless a density bonus application is submitted, including a financial pro forma if required, that conforms to the requirements of this section.
  5. Upon submittal, the Director of Planning and Land Use shall determine if the density bonus permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.
1. An application for the granting or modifying of a density bonus permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.
  2. The cost of reviewing any required financial pro forma data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial pro forma, shall be borne by the applicant.
  3. The granting of a density bonus permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, zoning amendment, or other discretionary approval.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:
1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.
  2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
  3. The incentive requested in the application would be contrary to state or federal law.
  4. The applicant has failed to submit required information or does not qualify for the requested incentive.

- b. **Waivers or Reductions of Development Standards.** A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus Program.
  2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
  4. The waiver or reduction of the development standard would be contrary to state or federal law.
  5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 7430 DENSITY BONUS HOUSING AGREEMENT.

The provisions contained within a density bonus housing agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. **Agreement Required.** The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Land Use, agreeing to the specific terms and conditions of the Density Bonus Program and to periodic inspections of the housing by County employees. The property owner shall execute a density bonus housing agreement prior to any of the following:
1. A ministerial action by the County with regard to the project.
  2. A discretionary permit issued in conjunction with a density bonus application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus Program and with the terms of the density bonus application.
  3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.

4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus Program through recordation of an affordable housing agreement.
- b. Execution of Agreement.
1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
  2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
  3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

7435 APPEAL.

- a. Any decision regarding a density bonus application under the original jurisdiction of the Director of Planning and Land Use may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a density bonus application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a density bonus permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- b. If the density bonus permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.

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- c. If prior to the expiration of a density bonus permit, the applicant files a written application with the Department of Planning and Land Use for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

**7445            DENSITY BONUS PERMIT TO BE RECORDED AND PROVIDE  
CONSTRUCTIVE NOTICE**

Upon the approval of a density bonus permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)